

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 21-cr-94 (PAM/TNL)

Plaintiff,

v.

ORDER

Carlos Vazquez,

Defendant.

This matter comes before the Court on Defendant Carlos Vazquez's Motion for Continuance of Motion Filing Date and Motion Hearing. ECF No. 21. Defendant also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act ("Statement of Facts"). ECF No. 22.

Defendant requests a 45-day extension of the deadline to file motions and a corresponding extension of the other deadlines in this case. ECF No. 21. Defendant notes that he is out of custody and residing currently in California. *Id.* He contends that his counsel will therefore need additional time to meet, review discovery, and discuss his options with him. *Id.* Further, Defendant notes that his counsel is unavailable from June 5 to June 16, 2023. *Id.* The Government has no objection to Defendant's request. *Id.* In his Statement of Facts, Defendant requests that this period of time be excluded from computation under the Speedy Trial Act. ECF No. 22.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy

trial, and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance of Motion Filing Date and Motion Hearing, ECF No. 21, is **GRANTED**.

2. The period of time from **the date of this Order through July 24, 2023**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **July 24, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

4. **Counsel shall electronically file a letter on or before July 24, 2023, if no motions will be filed and there is no need for a hearing.**

5. All responses to motions shall be filed by **August 7, 2023**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **August 7, 2023**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **August 10, 2023**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **August 17, 2023, at 10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

All voir dire questions and jury instructions must be submitted to Senior District Judge Paul A. Magnuson on or before *a date to be determined*.

This case must commence trial on *a date to be determined* before District Judge Paul A. Magnuson in **Courtroom 7D**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

[Continued on next page.]

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Magnuson to confirm the new trial date.

Dated: June 7, 2023

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

United States v. Vazquez
Case No. 21-cr-94 (PAM/TNL)